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LB 806, 1175

high school to freehold their land or their contiguous property, at least, to an adjoining district if their district of current residence elected to do a successful vote to override the \$1.10...\$1.10 limit or create a levy for general operating expenses that is in excess of that. I would direct your attention to a letter that is distributed by me, and it was written by Mr. Tom Sharp, who is the superintendent of Milligan Schools. I do not believe that Milligan School, in and of itself, today has less than 60 students but it is one of the fine little schools in the state of Nebraska that does operate in that general vicinity, and there certainly is a large number of those that do. To have, again to have a condition placed upon voting I find to be particularly onerous unless that same condition apply to all school districts in the state of Nebraska. I have had to date, I believe, in my legislative district, three votes, successful votes to override the levy cap and create a levy for general operating expenses of three districts that is...that are in excess of the \$1.10 limit. I do not believe, as I stand here, that any of those districts that override were, in fact, subject to the 60 student rule, and that there can be no free...no freeholding out of those districts into adjoining districts. But this raises, this issue that was included in 806 raises, I think, some interesting positions in law. It either ought to apply to all veto overrides, I believe, in the state, and in all classes of government, whether that is county, city, or whatever, or it ought to apply to no one. I just have serious reservations that we can constitutionally create a condition that apply, for voting, that applies to only one specific set of voters in the state of Nebraska, and that is those that live in school districts in which the high school has less than 60 students. I simply don't believe that is something that is appropriate to do. I think that if we had this provision and it applied to all of the school districts in the state of Nebraska, then that question would go away. I just really have serious reservations of the point that we have. Now that issue isn't specifically addressed in a narrow fashion by the amendment that Senator Wickersham is presenting to us, but it does...this amendment does extend the time line. I don't have a copy of it in front of me today. I certainly did yesterday, but it's disappeared. But I believe that this amendment provides that before this freeholding can take place that there has to be two votes to exceed the levy cap...